

**UNITED STATES COURT
SOUTHERN DISTRICT OF NEW YORK**

D.J.C.V, a minor, and Mr. C.

Petitioners,

v.

U.S. Immigration and Customs Enforcement (“ICE”); U.S. Department of Homeland Security (“DHS”); U.S. Customs and Border Protection (“CBP”); U.S. Citizenship and Immigration Services (“USCIS”); U.S. Department of Health and Human Services (“HHS”); Office of Refugee Resettlement (“ORR”); L. Francis Cissna Director of USCIS; JEFFERSON B. SESSIONS III, Attorney General of the United States; KIRSTJEN M. NIELSEN, Secretary, U.S. Department of Homeland Security; RONALD VITIELLO, Deputy Director and Senior Official Performing the Duties of Director, U.S. Immigration and Customs Enforcement; KEVIN K. MCALEENAN, Commissioner, U.S. Customs and Border Protection; ALEX M. AZAR II, Secretary, U.S. Department of Health and Human Services; SCOTT LLOYD, Director, Office of Refugee Resettlement; THOMAS DECKER, ICE Field Office for Enforcement and Removal Operations in New York; Orange County Correctional Facility; ANTHONY MELE, Colonel of Orange County Correctional Facility; and Lutheran Social Services of New York,

Respondents.

Case No.

Hon.

**NOTICE OF MOTION FOR PRELIMINARY INJUNCTION
ON EXPEDITED SCHEDULE**

Pursuant to Federal Rule Civil Procedure 65, Petitioners D.J.C.V., a minor, and his father Mr. C., hereby move for a preliminary injunction, and request that the Court set a hearing no later than seven days from the filing of this motion. In support of its Motion, Petitioners rely on their accompanying Memorandum of Law in Support of Petitioners' Motion for Preliminary Injunction, which is incorporated herein by reference.

WHEREFORE, Petitioners respectfully request that the Court issue an Order:

- A. Preliminarily releasing from custody and permanently enjoining Respondents from continuing to separate D.J.C.V. from Mr. C. pending the resolution of these proceedings and final resolution of their asylum, withholding, or Convention Against Torture ("CAT") applications or other immigration proceedings, and exhaustion of all administrative and judicial appeals;
- B. Preliminarily and permanently enjoining Respondents from removing either Mr. C. or D.J.C.V. from the United States until they are reunited and each have had a full and fair opportunity to pursue their asylum, withholding, or CAT applications or other immigration proceedings, and exhaustion of all administrative and judicial appeals; and
- C. Enjoining Respondents from moving Mr. C. or D.J.C.V., or their immigration cases, from the Southern District of New York pending the resolution of these proceedings and final resolution of their asylum, withholding, or CAT applications or other immigration proceedings, and exhaustion of all administrative and judicial appeals.
- D. Requiring Respondents to facilitate frequent and ongoing visitation and contact between Petitioners until both are physically released and reunified.

*Attorneys for Petitioners Mr. C. and
D.J.C.V.*